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U.S. INDICTS SEVEN IN SMUGGLING PLOT

Plan to Fly Arms to Mexico Charged by Grand Jury

ALEXANDRIA, La., Dec. 22 (UPI) — A Texas banker-rancher, a former United States immigration official and five other men have been indicted by a Federal grand jury on charges of conspiring to smuggle arms to Mexico for further shipment, presumably to Cuba.

Two-count indictments were returned yesterday against each of the seven, accusing them of plotting to violate the Mutual Security Act of 1954, which prohibits the exportation of arms without State Department permission.

The indictment named as defendants Richard C. Harper, a banker and rancher from Eagle Pass, Tex.; Morris Kessler of Brooklyn, N.Y.; Marion Hagler, a retired Immigration and Naturalization Service worker from Eagle Pass; Adler B. Seal and James M. Miller Jr., both airline pilots, of Baton Rouge, La.; Joseph Mazzuka of Baton Rouge, and Francisco Flores, a Mexican national.

All but Mr. Flores were arrested July 1 after the seizure at a Shreveport, La., airport of a DC-4 loaded with 13,500 pounds of plastic explosives, primacord and detonators.

Agent's Testimony

The indictments were based largely on the testimony of Cesar Diosdaro, undercover agent with the Bureau of Customs investigaton office.

Mr. Diosdaro said he posed in Eagle Pass last May as a potential buyer of weapons and met Mr. Flores, Mr. Hagler and Mr. Harper to discuss the purchase of 3,500 M-1 rifles, 250 to 350 Thompson submachine guns and 1,500 M-16 rifles, with 500 rounds of ammunition for each weapon.

The agent said Mr. Harper then sent him to New York to meet his partner, Mr. Kessler. Mr. Diosdaro said he and Mr. Kessler met again in Mexico City June 17 and arranged another meeting at a clandestine airstrip near Vera Cruz.

The agent said that he and Mr. Kessler had agreed on a sale involving $450,000 for the explosives, fuses, primacords and plane rental for the initial shipment, with an understanding that more shipments would follow.

Federal agents said at the time of the arrest and confiscation of arms last July that the defendants had intended the guns and explosives to be shipped from Vera Cruz to Cuba.

The indictment said Mr. Miller had helped to see that the arms were flown to Shreveport and loaded on the DC-4 as planned, and that Mr. Miller and Mr. Mazzuka were arrested when the loaded plane was seized at Shreveport.